

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CARPENTERS HEALTH & WELFARE	:	
FUND OF PHILADELPHIA & VICINITY,	:	
et al.,	:	
	:	CIVIL ACTION
Plaintiffs,	:	
	:	NO. 09-587
v.	:	
	:	
SILICA BUILDERS & CONSTR. MGMT.,	:	
LLC, d/b/a SILICA BUILDERS	:	
	:	
Defendant.	:	

ORDER

AND NOW, this 6TH day of October 2009, upon consideration of Defendant's Motion to Dismiss (Doc. #5), Plaintiffs' Response (Doc. #8), and Defendant's Reply (Doc. #11), it is **ORDERED** that Defendant's Motion is **DENIED**.

s/Anita B. Brody

ANITA B. BRODY, J.

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